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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,388	08/17/2001	William R. Mulsby	36891.0000	4444

7590 06/29/2005

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,388

Applicant(s)

MAULSBY ET AL.

Examiner

Dennis Ruhl

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10, 12, 14, 26, 28-32 and 47-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10, 12, 14, 26, 28-32, 47-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/13/05 has been entered.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 26,28,30, are rejected under 35 U.S.C. 102(a) as being anticipated by “Packers.com” and “Packerfantours.com”.

For claim 26, the claimed device is anticipated by the fact that the [packers.com](http://packers.com) web site and [packerfantours.com](http://packerfantours.com) disclosed the claimed invention. The means for obtaining the details of the event are considered inherent. The specification discloses that the means for obtaining could be an email or even a telephone call and by virtue of the fact that [packerfantours.com](http://packerfantours.com) has the schedule of the Packers games, the details must have necessarily been obtained by some manner, which satisfies what is claimed. The means for receiving a transmission or an order is considered to be the software/hardware that allows data transmission to occur. The claimed manner of use of the device is taken as the intended use and recites no further structure to the device.

For claims 28,30, the claimed memory and processor are inherent. The data about the event dates and locations are necessarily stored in a memory as claimed so that it is available to be viewed. A processor is inherent because there could be no receipt of order information if no processor was used and with no processor there would be no way to process the order.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6,8,10,12,14,29,31,32,47-75, are rejected under 35 U.S.C. 103(a) as being unpatentable over "Packers.com" and "Packerfantours.com", which disclose the invention substantially as claimed.

Art Unit: 3629

For claims 1,3,8,10,12,14,32,47-52,54,58,59,60,62,66-68,70,74,75, Packers.com discloses a web site for the Green Bay Packers. Packers.com is interpreted to be the claimed "content page". The web site includes a link to "packerfantours.com" where fans can arrange for transportation to an event, which can be any of the Packer's football games, or the Super Bowl, Pro Bowl, etc.. When a consumer clicks on the link for Packerfantours.com on the content page (Packers.com), they are taken to the Packerfantours.com web site (substantially simultaneously). This satisfies the claimed "portion of a content page has been selected" language of the claim. The claimed obtaining details about an event (time, location) of a marketing partner are present in Packerfantours.com. The web site discloses that the 2000-2001 schedule is available and this includes the time and location (home or away games) as claimed. These details were necessarily obtained so they could be displayed on the web site. The marketing partner is the Green Bay Packers. When the Packerfantours.com web site is displayed to the consumer, data indicative of a ground transportation service is displayed. The web site discloses that transportation service to games is available for purchase and this satisfies what is claimed. It is inherent that there will be a stop and a location as claimed to a route. The data indicative of a logo of the marketing partner is displayed on the Packerfantours.com web site because the Green Bay Packers logo itself is displayed. The Packerfantours.com web site includes an "Order Now" link so that one can order a transportation package. Not disclosed is that an order is received that indicates the route, the number of seats needed, and the event. It would have been obvious to one of ordinary skill in the art at the time the invention was made for an

Art Unit: 3629

interested fan to use the "Order Now" link to order transportation and that the order would specify the event (what game do they want to go to), the number of seats desired (how many people) and the route (where are you going). Also considered obvious is that the order would specify if you need tickets or not. After all, packerfantours.com is the official source for tickets and tour packages for the Green Bay Packers so specifying whether or not tickets are needed is considered obvious. For claim 32, it is inherent that the instructions for operating the web pages and linking to packerfantours.com is accomplished by using a computer readable storage medium as claimed.

For claims 2,4,29,31,53,55,61,63,69,71, not disclosed is that a confirmation of receipt of the order is provided. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the consumer with a confirmation that the order has been received so that the consumer knows the order was received by the service provider and/or so that the consumer has a receipt for the transaction (confirmation of purchase). It is old and well known to provide receipts showing what the consumer ordered and how it was paid for.

For claims 5,56,64,72, not disclosed is that the order specifies a particular seat on a bus, motor coach, or van. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the purchaser to reserve a particular seat on the transportation vehicle so that a customer who desires a window seat can be assured of getting a window seat or so that a family traveling together can be assured that they will sit together. The claimed limitation is considered obvious.

For claims 6,57,65,73, not disclosed is when the data for the transportation service is provided. This all depends on when the consumer actually views the packerfantours.com web site. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a fan wishing to go to a particular Packers game and viewing the Packers.com site would view the packerfantours.com web site prior to or at the same time as getting a ticket. The link on the Packers.com web site states "Your official source for Green Bay Packers Game tickets and Deluxe Tour Packages" in big bold letters and one of ordinary skill in the art would be motivated to click on this link if they need tickets and transportation.

For claim 60,68, not disclosed is that the event is a concert or a theatrical event as claimed. Packers.com and packerfantours.com teaches the invention substantially as claimed. They teach cooperation/partnership between an event provider and a transportation provider, where the event provider web site provides a link to the transportation provider web site and the transportation provider displays the logo of their marketing partner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Packers.com and packerfantours.com for other events such as concerts and theatrical events so that other event providers can create a partnership with a transportation provider to market each other's service/product and provide the services that Packers.com and packerfantours.com provides. Claiming the type of event is not considered to be a limitation that would render the claims allowable over the prior art of record, as the event itself does not affect the method at all, and the steps are the same whether it is a

Art Unit: 3629

sporting event, a concert, or a theatrical play. Reciting the type of event will not be sufficient to distinguish over the prior art of record.

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The non-patent documents cited by the examiner on the PTO-892 form disclose that it is known to have partnerships between an event provider and a transportation provider to provide for transportation to a specific event such as a baseball game, July 4 fireworks, or even to the Promise Keepers Rally in Washington DC.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DENNIS RUHL**  
**PRIMARY EXAMINER**